

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED:	_____
v.	:	CRIMINAL NO.	_____
ANTHONY GONZALEZ	:	Violations:	18 U.S.C. § 1951
JOSE GUZMAN, a/k/a	:		(Conspiracy to
"Ricardo Ayala"	:		interfere with
			interstate commerce
			by robbery - 1
			count)
			18 U.S.C. § 1951
			(Interference with
			interstate commerce
			by robbery - 2
			counts)
			18 U.S.C.
			§ 924(c)(1)
			(Use of a firearm
			during a crime of
			violence - 2
			counts)
			18 U.S.C. § 2
			(Aiding and
			abetting)

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this Indictment, Burger King, 5921 Rising Sun Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. At all times material to this Indictment, McDonald's, 111 South Governor Printz Boulevard, Lester, Pennsylvania was a business engaged in interstate commerce.

THE CONSPIRACY

3. Between on or about July 11, 2003 and on or about August 8, 2003, at Philadelphia and Lester, in the Eastern District of Pennsylvania, defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN,
a/k/a "Ricardo Ayala"

conspired and agreed to unlawfully obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants agreed to unlawfully take and obtain currency from businesses engaged in interstate commerce, in the presence of employees of those businesses, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Sections 1951, 1951(b)(1) and 1951(b)(3).

MANNER AND MEANS OF EXECUTING THE CONSPIRACY

4. It was part of the conspiracy to rob the Burger King and McDonald's restaurants and to obtain the cash proceeds from the businesses by use of force, threats of force and violence, and through the use of firearms.

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, the following overt acts, among others, were committed in Philadelphia and Lester, in the Eastern District of Pennsylvania:

Robbery of Burger King, Philadelphia, PA, on July 11, 2003

1. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," traveled to the Burger King restaurant, 5921 Rising Sun Avenue, Philadelphia, armed with firearms.

2. Defendant ANTHONY GONZALEZ approached an employee of the Burger King and forced her inside the restaurant at gunpoint.

3. Defendant ANTHONY GONZALEZ forced the employee, at gunpoint, to open the back door of the restaurant and allow JOSE GUZMAN, a/k/a "Ricardo Ayala," into the restaurant.

4. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," stole \$1,000 United States currency from the Burger King restaurant, at gunpoint.

5. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," tied up the employee with duct tape.

6. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," fled from the scene.

Robbery of McDonald's, Lester, PA on August 8, 2003

7. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," traveled to the McDonald's restaurant, 111 South Governor Printz Boulevard, Lester PA, armed with firearms.

8. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," asked the employees for permission to make a phone call as the restaurant was closing.

9. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," pulled out handguns.

10. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," demanded that an employee of McDonald's open the safe, at gunpoint.

11. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," stole \$1,230.67 United States currency from McDonald's, at gunpoint.

12. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," forced the employees into a storage room, at gunpoint.

13. Defendants ANTHONY GONZALEZ and JOSE GUZMAN, a/k/a "Ricardo Ayala," hid in the attic crawl space of the McDonald's to avoid capture by the police.

In violation of Title 18, United States Code, Sections 1951, 1951(b)(1) and 1951(b)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 11, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN,
a/k/a "Ricardo Ayala"

aided and abetted, and unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants unlawfully took and obtained personal property, that is, approximately \$1,000 United States currency, belonging to Burger King, from an employee, against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person and property.

In violation of Title 18, United States Code, Sections 1951, 1951(b)(1) and 1951(b)(3) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 11, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN,
a/k/a "Ricardo Ayala"

knowingly used and carried, and aided and abetted the use and carrying of, firearms, that is, handguns, during and in relation to a crime of violence for which the defendants may be prosecuted in a Court of the United States, that is, the conspiracy to interfere with interstate commerce by robbery and the interference with interstate commerce by robbery, of Burger King,

in violation of Title 18, United States Code, Section 1951, as charged in Counts One and Two of this Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 8, 2003, at Lester, in the Eastern District of Pennsylvania, defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN,
a/k/a "Ricardo Ayala"

aided and abetted, and unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants unlawfully took and obtained personal property, that is, approximately \$1,230.67

United States currency, belonging to McDonald's, from an employee, against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person and property.

In violation of Title 18, United States Code, Sections 1951, 1951(b)(1) and 1951(b)(3) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 8, 2003, at Lester, in the Eastern District of Pennsylvania, defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN,
a/k/a "Ricardo Ayala"

knowingly used and carried, and aided and abetted the use and carrying of, firearms, that is, an EEA .357 revolver, serial no.

1045578 and am Interarms, Model PPH, 9 mm semi-automatic pistol, serial no 05314, during and in relation to a crime of violence for which the defendants may be prosecuted in a Court of the United States, that is, the conspiracy to interfere with interstate commerce by robbery and the interference with interstate commerce by robbery, of McDonald's, in violation of Title 18, United States Code, Section 1951, as charged in Counts One and Four of this Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 924(c), set forth in Count Five of this Indictment, the defendants

ANTHONY GONZALEZ
and
JOSE GUZMAN

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

EEA .357 revolver, serial no. 1045578

Interarms, Model PPH, 9 mm semi-automatic pistol, serial no 05314.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c)
and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney